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|---|---------------|----------------------|---------------------|------------------|
| APPLICATION NO.   | FILING DATE   | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/553,744  | 10/16/2005    | Giampaolo Targetti   | 1014.1050           | 2942             |
| 41226   | 7590          | 01/22/2009           | EXAMINER            |                  |
| POLLACK, P.C.<br>THE CHRYSLER BUILDING<br>132 EAST 43RD STREET, SUITE 760<br>NEW YORK, NY 10017 |               |                      | CHAPMAN, JEANETTE E |                  |
| ART UNIT  | PAPER NUMBER  |                      | 3633                |                  |
| MAIL DATE   | DELIVERY MODE |                      |                     |                  |
| 01/22/2009  | PAPER         |                      |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |  |  |
|------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/553,744   | <b>Applicant(s)</b><br>TARGETTI, GIAMPAOLO |
|                              | <b>Examiner</b><br>Jeanette E. Chapman | <b>Art Unit</b><br>3633                    |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 22 October 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-9 is/are pending in the application.

4a) Of the above claim(s) 9 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-8 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)

Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

Newly submitted claim 9 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Applicant's original invention was directed to an illumination device not a combination illumination device and support surface. Therefore claim 9 has been withdrawn as not being directed to the original elected invention

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 9 has been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yu (5265357).

Claim 1

Yu discloses a device for illuminating a selected living space, which comprises:

a box-like body with a back wall 30/10d and side walls 10/11 extending from the back wall,

a front wall 13c having a central opening 31 connected to the back wall 30 by the side walls 10/11

and a light source 21 extending at an inner side of the front wall 10c around the central opening and in proximity to the side walls, wherein a decorative image is reproduced on an inner face of the back wall, see figures 2 and 4, the side walls 10/11 having reflective inner surfaces 13e and a width substantially greater than the minimum necessary for housing the light source so as to enhance a sensation of depth conveyed by the image[.] internally on a frame delimiting the opening, the device projecting light in accordance with the image from the front wall and into the living space so as to create a sensation of natural luminosity.

#### Claim 2

Yu discloses the device set forth in claim 1, wherein  
the light source 21 is distributed along the length of the frame.

#### Claim 3

Yu discloses the light source is fluorescent [type].

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu in view of Grassi (4345395).

Claims 2-3

Yu appear to be a light light source is of fluorescent type and distributed along the length of the frame. However, Grassi most assuredly discloses a picture box with a fluorescent light source distributed along the length of the frame. It would have been obvious to use a more natural light source to present a three dimensional depth to the picture as shown by Grassi.

Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu in view of Windisch et al (4128286).

Claims 4-8:

Yu lacks the decorative image reproduced on the back wall is a fraction of the size of a larger image, which may be generated by combining a plurality of the devices in a modular configuration. Windisch et al discloses a portable display for the display of graphic. Any one in the display art would have appreciated using a multiplicity of panels to provide a single display design. See column 2, lines 23 -30 of Windisch et al. since the device of Windisch et al is portable, the same may be applied to a ceiling or a wall. Windish et al discloses a device or apparatus 16/18/20/30/ C capable of being embedded ceiling or wall connection.

Applicant's arguments have been considered but are moot in view of the new ground of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E. Jeanette whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-thursday, 8:30-6:00, every fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JEANETTE CHAPMAN/  
PRIMARY EXAMINER  
ART UNIT 3633

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